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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,196	10/16/2003	Tomasz Kaczynski	499.755us1	7157

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EXAMINER

BAKER, PAUL A

ART UNIT PAPER NUMBER

2188

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,196	Applicant(s) KACZYNSKI, TOMASZ	
	Examiner Paul A. Baker	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20, 23-29 and 34-37 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7, 8, 21, 22 and 30 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 9-11 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 5 recites the limitation "request buffer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 21 and 22 recites the limitation "starvation control list" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 7-8 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Freerksen et al., US Patent 6,557,084.

In regards to claim 1, Freerksen discloses an apparatus comprising:

a requester logic to transmit a request for a resource to a service node (figure 3 element 310), the request having a priority; wherein the requester logic is to set the priority of the request (figure 2 element 212), the service node to mark the resource as

congested, if the priority of the request is of a highest priority and the request is denied access to the resource (figure 3 element 345).

In regards to claim 4, Freersken discloses a request buffer to store the request until the resource is accessed for the request (figure 3 element 320).

In regards to claim 7, Freersken discloses a service node comprising:
a memory to store a number of lines of data (figure 2 element 275); and
a server logic to receive requests for a line of data of the number of lines of data, the server logic to determine if access to the line of data is congested (figure 3 elements 340 and 345).

In regards to claim 8, Freersken discloses the access to the line of data is congested if one of the requests having a highest priority is denied access to the line of data (figure 3 element 345).

In regards to claim 30, Freersken discloses a method comprising:
receiving a request for data in a memory (figure 3 element 310), the request having a priority (figure 2 element 212);
transmitting the request to a service node that includes the memory (figure 3 element 325) ; and

updating priorities of other requests for the data if the data is not congested (figure 3 element 345).

Allowable Subject Matter

Claims 2-3, 6, 9-11, 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-20, 23-29, 34-37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: In regards to independent claims 12, 19, 24, and 34, none of the prior art of record discloses freezing the updating of priority of other requests during a state of congestion in combination with the other specified claim limitations.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Baker whose telephone number is (571)272-4203. The examiner can normally be reached on M-F 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2188

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PB


3/20/06
MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER